

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

CARNEICE HALL-JOHNSON,
Plaintiff,
v.
CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. 18-cv-01409-LB

**ORDER DIRECTING PLAINTIFF TO
FILE A MORE DEFINITE
STATEMENT OF HER COMPLAINT**

Re: ECF No. 29

On March 2, 2018, plaintiff Carneice Hall-Johnson filed her initial complaint in this case, on May 31, 2018, she filed an Amended Complaint (“AC”), and on June 4, 2018, she filed a Second Amended Complaint (“SAC”).¹ Each of these pleadings is over 100 pages long with minimal paragraph breaks and combines claims, factual allegations, and legal citations together in a single undifferentiated block that is extremely difficult to read and follow.

Defendant City and County of San Francisco moved to dismiss Ms. Hall-Johnson’s AC and additionally moved for a more definite statement of Ms. Johnson’s pleading under Federal Rule of Civil Procedure 12(e).² Ms. Johnson responded that she filed a SAC, which nullifies her AC.³

¹ Compl. – ECF No. 1; AC – ECF No. 26; SAC – ECF No. 29. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² City Mot. – ECF No. 30.

The court makes a few observations. A party may amend her complaint once as a matter of course, subject to certain limitations. Fed. R. Civ. P. 15(a)(1). A party may not file a second amended complaint, however, without the opposing party's written consent or the court's leave. Fed. R. Civ. P. 15(a)(2). It does not appear that Ms. Hall-Johnson had the defendants' written consent to file her SAC, nor did she have the court's leave. The court cautions Ms. Hall-Johnson in the future that she must comply with the Federal Rules of Civil Procedure and the Northern District of California's Civil Local Rules, including with respect to new filings.

Additionally, the court agrees that Ms. Hall-Johnson's complaint does not give the defendants a clear idea of the substance of her claims. "[A] district court may . . . sua sponte request a more definite statement from the plaintiff[], even if the defendants find the complaint comprehensible." *Kirkpatrick v. County of Washoe*, 792 F.3d 1184, 1191 (9th Cir. 2015) (citing *Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. College*, 77 F.3d 364, 367 n.5 (11th Cir. 1996)), *reheard en banc*, 843 F.3d 784 (9th Cir. 2016). The court directs Ms. Hall-Johnson to file a new Third Amended Complaint that clearly alleges her claims and the factual allegations that support those claims. Among other things, her complaint must:

1. be double-spaced, *see* N.D. Cal. Civ. L.R. 3-4(c)(2),
2. contain paragraph breaks, *see* Fed. R. Civ. P. 10(b),
3. begin each paragraph with a paragraph number in ascending order (i.e., the very first paragraph in the complaint should be numbered paragraph 1, the second paragraph numbered paragraph 2, and so on, without skipping or reusing any numbers), *see id.*,
4. limit each paragraph as far as practicable to a single set of circumstances, *see id.*; while the court does not impose any strict limits, as a word of advice to Ms. Hall-Johnson, if a single paragraph goes on for more than half a page, it may be too long and may be improperly combining different circumstances together,

³ Pl. Opp'n – ECF No. 33.

5. use clear headings to delineate each claim alleged (e.g., Title VII versus California Fair Employment and Housing Act versus 42 U.S.C. § 1983, etc.), *see id.*, and
6. pleads clear facts that support each claim under each header.

Ms. Hall-Johnson's Third Amended Complaint must also confirm to all other requirements set forth in the Federal Rules of Civil Procedure and the Northern District of California's Civil Local Rules. The court grants Ms. Hall-Johnson 30 days to file this Third Amended Complaint.

The court attaches a copy of the district court's handbook *Representing Yourself in Federal Court: A Handbook for Pro Se Litigants*. It provides instructions on how to proceed at every stage of a case, including discovery, motions, and trial. Ms. Hall-Johnson may also wish to seek assistance from the Legal Help Center, a free service of the Volunteer Legal Services Program, by calling 415-782-8982, or by signing up for an appointment on the 15th floor of the Federal Courthouse at 450 Golden Gate Avenue, San Francisco, California. At the Legal Help Center, a pro se party can speak with an attorney who may be able to provide basic legal help (but not representation). A copy of the Legal Help Center's flyer is attached.

CONCLUSION

The court orders Ms. Hall-Johnson to file a Third Amended Complaint within 30 days of the date of this order that complies with the requirements set out above and all other requirements set forth in the Federal Rules of Civil Procedure and the Northern District of California's Civil Local Rules. The court terminates the City's pending motion to dismiss as moot.

IT IS SO ORDERED.

Dated: June 26, 2018



LAUREL BEELER
United States Magistrate Judge